

Mar 20, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOVITA D.,

v.

ANDREW M. SAUL,  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

No. 1:19-CV-3147-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 20. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Thomas M. Elsberry represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

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<sup>1</sup>Andrew M. Saul is now the Commissioner of the Social Security Administration. Accordingly, the Court substitutes Andrew M. Saul as the Defendant and directs the Clerk to update the docket sheet. *See* FED. R. CIV. P. 25(d).

On remand, the administrative law judge (ALJ) shall: (1) offer Plaintiff the opportunity for a new hearing; (2) reevaluate Plaintiff's symptoms in accordance with Social Security Ruling (SSR) 16-3p, including the statement from Plaintiff's aunt, Eulalia Gonzalez; (3) reevaluate the opinion evidence in accordance with 20 C.F.R. § 404.1527; and (4) if warranted, obtain supplemental vocational expert evidence in accordance with SSR 00-4p.

**2. Judgment shall be entered for PLAINTIFF.**

3. Plaintiff's Motion for Summary Judgment, ECF No. 13, is  
**STRICKEN AS MOOT.**

4. An application for attorney fees and costs may be filed by separate motion.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED March 20, 2020.



  
JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE